

**UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Erich Bott et al.  
Application Number: 10/567,496  
Filing Date: 02/12/2007  
Group Art Unit: 3723  
Examiner: Jamal D. Daniel  
Title: VACUUM CLEANER HAVING A BLOWER  
CAPSULE

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
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**APPEAL BRIEF**

Pursuant to 37 CFR 1.192, Appellants hereby file an appeal brief in the above-identified application. This Appeal Brief is accompanied by the requisite fee set forth in 37 CFR 1.17(f).

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(1) REAL PARTY IN INTEREST

The real party in interest is BSH Bosch und Siemens Hausgeräte GmbH.

(2) RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) STATUS OF CLAIMS

Claims 21-39 stand rejected and are the basis of the appeal. Claims 1-20 were canceled in the February 7, 2006 Preliminary Amendment. Claim 40 was canceled in the June 2, 2011 Amendment. Claim 21 is independent.

(4) STATUS OF AMENDMENTS

The pending claims identified in the Claims Appendix correspond to the claims entered following the submission of the Amendment on June 2, 2011.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

The present invention as recited in independent claim 21 relates to a vacuum cleaner including a housing 1 and an exhaust opening 36 that is fluidically connected to an

overpressure side of a motor/blower unit 27. The motor/blower unit 27 is surrounded by an insulating capsule 71 and is placed inside a blower housing 21, via a duct 21 that has a duct section (20, 28) which is arranged while extending between the insulating capsule 71 and the motor/blower housing 21 (page 7, line 4 – page 8, line 14 and FIGs. 1 and 2) .

The present invention provides a fluidically optimized duct between the insulating capsule 71 of the motor/blower unit 27 and of a housing part with simple means whose production and assembly are cost-effective. To this end, in an exemplary embodiment of claim 21, at least one capsule part (14, 20) of the insulating capsule 71 is joined to a housing part, particularly of the blower housing 12, while forming a single piece (page 8, lines 9-14) This largely prevents the formation of perturbing edges due to assembly gaps, and the vacuum cleaner can be cost-effectively produced and assembled with a reduced variety of parts. Further, the housing part of the blower housing 12 is a blower compartment cover 32 on which a second capsule part 30 of the insulating capsule 71 is molded forming another single piece (page 8, lines 9-14 and FIG 2).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- (a) Whether claims 21-36 are anticipated under 35 U.S.C. § 102(b) by Herron, Jr. (U.S. Patent No. 4,970,753).
- (b) Whether claims 37-39 stand are unpatentable under 35 U.S.C. § 103(a) over

Herron Jr. in view of Moshenrose et al. (U.S. Patent Publication No. 2005/0210628).

(7) ARGUMENT

(a) Claims 21-36 are NOT anticipated under 35 U.S.C. § 102(b) by Herron, Jr. (U.S. Patent No. 4,970,753).

Claim 21 recites, *inter alia*, that “the housing part of the blower housing is a blower compartment cover on which a second capsule part of the insulating capsule is molded *forming another single piece*. The grounds of rejection state that the top cover of the vacuum of Herron meets the limitation in that the outer ring of the top cover, which would cover the duct section (36, 38, 40) is part of the blower housing. The grounds of rejection further state that the innermost section of the cover which would cover the capsule area (18) is part of the insulating capsule. Therefore, the outer ring and the innermost section of the cover are a single piece, thus meeting the claimed limitation. Appellants first note that these separate sections would not support the term “another single piece” and also would conflict with the assertion regarding the first single piece alleged as disclosed at col. 2, lines 36-59.

Further, Appellants maintain that there is no disclosure of a “blower compartment cover” having a second capsule part as claimed. The grounds of rejection in the Response to Arguments again generally state that the cover inherently has a capsule since the purpose is a suction compartment, and as such, the motor would have to be encapsulated from above as well. Appellants respectfully submit that one of ordinary skill in the art would not equate the

rear wall of the top cover and an alleged inherent suction compartment with a second capsule part as claimed.

Further, the grounds of rejection state that Herron, Jr. discloses an insulating capsule, alleged as formed by the U-shaped portion (42) and which is placed inside a blower housing. Appellants respectfully submit one of ordinary skill in the art would not consider a U-shaped portion of Herron, Jr. to be a *capsule* as claimed. Rather, item 42 is a U-shaped wall structure of noise compartment 36 where air flow baffle cartridge is positioned (see col. 3, lines 1-7). Appellants maintain that noise reduction compartment 36 does not surround motor blower assembly 24 as shown in Figure 1 of Herron, Jr.

Finally, col. 2, line 61 – col. 3, line 20 as cited does not disclose a first capsule part of the insulating capsule being joined to a portion of the blower housing while forming a single piece. This section discusses noise compartment 36 which is not a capsule. Accordingly, Appellants respectfully submit that the present invention recited in claim 21 distinguishes from Herron, Jr., and as such, claim 21 is allowable. Claims 22-36 depend on claim 21 and are allowable at least for this reason, as well as their own features.

(b) Claims 37-39 stand are NOT unpatentable under 35 U.S.C. § 103(a) over Herron Jr. in view of Moshenrose et al. (U.S. Patent Publication No. 2005/0210628).

The grounds of rejection acknowledge that Herron, Jr. does not disclose the housing part of the blower comprising a holder for receiving a bearing element for the motor/blower unit. However, the grounds of rejection state that Moshenrose et al. discloses a vacuum cleaner fan unit in which the housing part of the blower comprises a holder for receiving a

bearing element for the motor/blower unit so as to facilitate ease of periodic inspection and maintenance of the unit. Appellants respectfully submit that as disclosed in col. 1, lines 10-30 of Herron, Jr., one drawback in related art vacuum cleaners with walls or other components formed as part of the housing is that it is difficult to implement due to molding constraints. As such, Herron, Jr. teaches a vacuum cleaner where molding is reduced in the housing, unlike in the present invention. Appellants respectfully submit, based on this teaching of Herron, Jr. that one of ordinary skill in the art at the time of invention would have not looked to other art, such as Moshenrose et al., for teaching of the inclusion of additional parts in the housing. Indeed, Herron, Jr. teaches away from this combination. As such, Appellants respectfully submit that the combination of Herron, Jr. and Moshenrose et al. was made using improper hindsight in view of Appellants' own teaching in the present specification. Therefore, claims 37-39 are allowable.

(8) CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejections.

Respectfully submitted,

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**CLAIMS APPENDIX**

1-20. (Canceled)

21. (Rejected) A vacuum cleaner comprising a housing and an exhaust opening that is fluidically connected to an overpressure side of a motor/blower unit which is surrounded by an insulating capsule and which is placed inside a blower housing via duct that has a duct section which is arranged while extending between the insulating capsule and the blower housing, wherein a first capsule part of the insulating capsule is joined to a portion of the blower housing while forming a single piece, wherein the housing part of the blower housing is a blower compartment cover on which a second capsule part of the insulating capsule is molded forming another single piece.

22. (Rejected) The vacuum cleaner according to claim 21, wherein a main flow channel for a main air flow is arranged so that it runs between the blower compartment cover and the second capsule part.

23. (Rejected) The vacuum cleaner according to claim 22, wherein the main flow channel is arranged so that it runs behind an end of the motor/blower unit opposite to a suction opening.

24. (Rejected) The vacuum cleaner according to claim 22, wherein at least one auxiliary flow channel for an auxiliary air flow is arranged so that it runs between the blower compartment cover and the second capsule part.

25. (Rejected) The vacuum cleaner according to claim 24, wherein respectively at least one auxiliary flow channel is arranged so that it runs at the side of the motor/blower unit.

26. (Rejected) The vacuum cleaner according to claim 25, wherein the auxiliary flow channels have a rectangular cross-section and extend substantially vertically.

27. (Rejected) The vacuum cleaner according to claim 24, wherein the at least one auxiliary flow channel is fluidically connected to the main flow channel via at least one intake opening.

28. (Rejected) The vacuum cleaner according to claim 27, wherein the auxiliary flow channel is connected to the main flow channel such that an auxiliary air flow fed into the main flow channel via the auxiliary flow channel crosses the main air flow.

29. (Rejected) The vacuum cleaner according to claim 21, wherein the capsule wall sections of the first capsule part and the capsule wall sections of the second capsule part are arranged so that they overlap.

30. (Rejected) The vacuum cleaner according to claim 29, wherein a seal is arranged between the overlapping capsule wall sections.

31. (Rejected) The vacuum cleaner according to claim 21, wherein an upper edge of a housing part of the blower housing molded on the lower shell forms a seal arrangement with a lower edge of a blower housing cover.

32. (Rejected) The vacuum cleaner according to claim 31, wherein the seal arrangement is a labyrinth seal, a sealing lip molded on one of the edges or a sealing cord which is inserted in a groove formed on one of the edges.

33. (Rejected) The vacuum cleaner according to claim 21, wherein a first capsule part is molded on the housing, especially on a lower shell of the vacuum cleaner.

34. (Rejected) The vacuum cleaner according to claim 33, wherein a first capsule part has inwardly directed capsule wall sections which start from the lower shell.

35. (Rejected) The vacuum cleaner according to claim 34, wherein one capsule wall section has an opening which connects an interior space bounded by the insulating capsule to the duct.

36. (Rejected) The vacuum cleaner according to claim 32, wherein the housing part of the blower housing is formed by a housing half, especially by the lower shell of the vacuum cleaner.

37. (Rejected) The vacuum cleaner according to claim 36, wherein the housing part of the blower housing comprises a holder for receiving a bearing element for the motor/blower unit.

38. (Rejected) The vacuum cleaner according to claim 37, wherein the holder is arranged at a dividing wall which runs between a dust collecting compartment and a blower compartment.

39. (Rejected) The vacuum cleaner according to claim 37, wherein the holder is constructed as a half-shell-shaped ledge which is open at the top and projects into the blower compartment.

40. (Canceled)

EVIDENCE APPENDIX

None

RELATED APPEALS APPENDIX

None